

SENATE BILL REPORT

SB 5066

As Reported By Senate Committee On:
Judiciary, February 7, 2007

Title: An act relating to animal protection orders.

Brief Description: Concerning animal protection orders.

Sponsors: Senator Jacobsen.

Brief History:

Committee Activity: Judiciary: 1/24/07, 2/07/07 [DPS].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 5066 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin, Ranking Minority Member; Carrell, Hargrove, Murray, Roach and Weinstein.

Staff: Juliana Roe (786-7405)

Background: Temporary protection orders may be issued to those to whom irreparable injury could result from domestic violence. The law currently does not provide for the care, custody, or control of animals in the household. Proponents believe that protecting pets can help protect human victims of domestic violence because animals are often used as pawns in domestic violence situations. Maine, Vermont, and New York passed laws this year that allow judges to include pets in protective orders. Other states are considering similar measures.

Summary of Bill: The court is authorized to provide direction, in temporary protection orders, for the care, custody, or control of any animal residing in the household that is owned, possessed, leased, kept, or held by either party or a minor child.

EFFECT OF CHANGES MADE BY RECOMMENDED SUBSTITUTE AS PASSED COMMITTEE (Judiciary): The title is changed to "Protection Orders." A provision is created, in both temporary and permanent protection orders, restraining any party from injuring or killing an animal kept by the victim or minor child. A violation of this restraint provision is a gross misdemeanor

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill is the result of concerns conveyed by a young constituent. Some domestic violence disputes can be very bitter and can even involve hurting a pet. It is often that the pet receives the brunt of a person's anger. This bill provides a way to protect these animals.

OTHER: There have been studies conducted that show animals are often used as pawns to control an individual. As such, these animals are often abused. Many times, victims of domestic violence are hesitant to leave relationships because they fear that the animal left behind will be abused or even killed.

Part of the concern with this bill is that the new language is added to the portion of law involving temporary protection orders, which allows for ex parte hearings. This could lead to the seizure of property without a hearing and, henceforth, to constitutional challenges. In many cases, these animals are worth large amounts of money. This is a serious concern. This leads to another point of concern in the bill, and that is that the term used is "animal," which is very broad, rather than something more narrow or focused such as "pet."

Some states have resolved these issues by allowing only companion animals to be dealt with by way of temporary protection orders and some states also provide for the ability to hold a subsequent hearing for domestic animals or pets.

Persons Testifying: PRO: Senator Ken Jacobsen, prime sponsor.

OTHER: Grace Huang, Washington State Coalition Against Domestic Violence.